

ATTENTION: BOX ISSUE FEE

PATENT

Customer No. 22,852

Attorney Docket No. **02481.1748**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
)
WEITHMANN, Klaus-Ulrich)
)
Application No.: 09/876,091) Group Art Unit: 1651
)
Filed: June 8, 2001) Examiner: Ralph J. Gitomer
)
For: A METHOD FOR DETECTING)
PROTEIN INHIBITORS AND LIGANDS)
OF MEDICAL VALUE)

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Comments on Notice of Allowance

Applicants acknowledge the Notice of Allowance and the Notice of Allowability dated November 6, 2003. Without withdrawing the claims from issue, Applicants submit these comments. Applicants enclose payment of the Issue Fee herewith.

Applicants received an Office Action dated September 22, 2003, in which the Examiner requested that Applicants submit appropriate sequence listings and also rejected the pending claims (claims 1 and 3) under 35 U.S.C. § 112, ¶ 2, for allegedly being indefinite. Said Office Action set a one-month period to submit the sequence listings and a three-month period to respond to the claim rejections. Applicants filed the appropriate sequence listings on October 22, 2003, and indicated that a response to the Examiner's rejections would be filed shortly. However, before Applicants filed a

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response to the Examiner's rejections, the Examiner mailed the above-referenced Notice of Allowance.

The only rejection of claims 1 and 3 in the Office Action of September 22, 2003, alleged that the phrase "the substrate is capable of binding to said at least one..." in claim 1 "renders the claim indefinite where compounds do not have capabilities. It is suggested the claim may read 'wherein the substrate binds to said at least one...'" Office Action at p. 3, ¶ 3. In a telephone message on November 4, 2003, the Examiner requested permission to make the above amendment in order to allow the application (Applicants had already filed the required sequence listings.) Because the substrate of claim 1 competes with the marker substrate for the opportunity to bind to the catalytic domain of a protein (see, e.g., p. 3 lines 9-18; Example 2), the undersigned responded to the Examiner in a telephone message on the same day that the current claim language better described the invention. The Examiner appears to have accepted this argument and withdrew the rejection because two days later he mailed the Notice of Allowance.

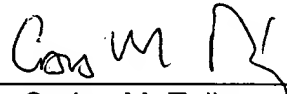
In a telephone conversation with the undersigned on January 5, 2004, the Examiner indicated that the reason he had mailed the Notice of Allowance was because the outstanding rejections to claims 1 and 3 had been withdrawn.

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Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

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By: 
Carlos M. Tellez
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Date: January 22, 2004

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